

REMARKS

This Response is submitted in reply to the Office Action dated February 27, 2008 and in conjunction with the enclosed Request for Continued Examination. Applicant has amended claims 42 to 44, 46, 47, 51 to 53, 55, and 56. Claims 48 to 50 and 57 to 59 have been withdrawn. Claims 45 and 54 have been cancelled. No new matter has been added by any of these amendments as described below. Please charge deposit account number 02-1818 for all fees due in connection with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will ". . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action rejected claims 42 to 47 and 51 to 56 under 35 U.S.C §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action stated that the specification does not describe the claimed limitation of "at least one interval is independent of an inputs from the player in association with any plays of any games." Applicant respectfully traverses this rejection. Nonetheless, Applicant has amended claims 42 and 56 to remove "the at least one interval is independent of any inputs from the player in associate with any plays of any games" to expedite prosecution.

The Office Action rejected claims 42 to 47 and 51 to 56 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action stated that claims 42 to 47 and 51 to 56 recite the limitation of "at least one interval is independent of any inputs from the player in association with any plays of any games." The Office Action stated that the specification does not disclose how at least one interval is independent of any inputs from the player in association with any plays of any games. Applicant respectfully traverses this rejection. Nonetheless, Applicant has amended claims 42 and 56 to remove "the at least one interval is independent of any

inputs from the player in associate with any plays of any games" to expedite prosecution.

The Office Action rejected claims 42 to 47 and 51 to 56 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,077,163 to Walker et al. ("Walker"). Applicant respectfully disagrees with such rejection for the reasons set forth in the Response to Office Action dated November 26, 2007. Nonetheless, to expedite prosecution, Applicant has amended claims 42 and 51 for clarification.

Walker discloses:

a method and apparatus for operating a gaming device having a flat rate play session costing a flat rate price. The flat rate play session spans multiple plays on the gaming device over a pre-established duration. The gaming device identifies price parameters and determines the flat rate price of playing the gaming device based on those price parameters. In one embodiment, identifying price parameters includes receiving player selected price parameters. In another embodiment, price parameters further incorporate operator selected price parameters. Should the player decide to pay the flat rate price, the player simply deposits the necessary funds into the gaming device or makes a credit account available for the gaming device to debit. Once the player initiates play, the gaming device tracks the duration remaining in the flat rate play session and stops the play when the given period has elapsed. During the play, payouts are made either directly to the player in the form of coins or indirectly in the form of credits to the player's credit account.

Amended independent claims 42 and 51 are each directed to a method of operating a gaming system and a gaming system respectively. Amended independent claim 42 recites, among other elements, "... (b) operating at least one play of at least one game for a period of time, the period of time being divisible into a plurality of time intervals... (d) deducting one of the fees from the value total for each one of the time intervals which passes, the deduction being independent of any game outcome." Amended independent claim 51 recites, among other elements, "... (b) operate at least one play of at least one game for a period of time, the period of time being divisible into a plurality of time intervals... (d) deduct one of the fees from the value total for each one of the time intervals which passes, the deduction being independent of any game outcome."

The specification supports such amendments. For example, see page 6, line 29 – page 7, line 6; page 9, line 22-27; page 10, lines 11-22 and 30-31; page 11, lines 1-6; and page 13, lines 15-16.

Applicant submits that Walker does not anticipate or render obvious a method of operating a gaming system and a gaming system that includes (1) operating at least one play of at least one game for a period of time, the period of time being divisible into a plurality of time intervals and (2) deducting one of the fees from the value total for each one of the time intervals which passes, the deduction being independent of any game outcome. In Walker, a gaming device includes a flat rate play session that enables a player to pay a flat rate price. The flat rate play session spans multiple plays on the gaming device over a pre-established duration. Walker further discloses that the flat rate play session is defined as a period of play wherein the player need not make funds available for any play during the play session. For example, if a flat rate play session costs \$25 to play for thirty minutes, the gaming device would track the flat rate play session and stop the play when the thirty minutes expires. During the play session, the player is not required to deposit any coins. That is, if the player elects to pay a flat rate price in Walker, the player pays to play once for the pre-established duration. On the other hand, amended independent claim 42 is directed to a method of operating a gaming system that includes, among other elements, (1) operating at least one play of at least one game for a period of time, the period of time being divisible into a plurality of time intervals and (2) deducting one of the fees from the value total for each one of the time intervals which passes, the deduction being independent of any game outcome. Amended independent claim 51 is similarly directed to a gaming system that includes, among other elements, (1) operate at least one play of at least one game for a period of time, the period of time being divisible into a plurality of time intervals and (2) deduct one of the fees from the value total for each one of the time intervals which passes, the deduction being independent of any game outcome.

Further, in the Response to Arguments, the Office Action stated that the term "interval" is interpreted as a gaming session. Applicant respectfully disagrees with this interpretation. Applicant submits that page 10 of the specification discloses that:

[i]t may be possible for the player to play, one, more than one, or less than one hand, spin, card, ticket etc. per fee deduction depending upon the unit of time per fee and the length of time required by the player to complete the game event.

The amount of the fee may be fixed or variable. Moreover, the amount of the fee may be determined based on input from the player. Further, the timing of the fee deduction may be more or less continuous, periodic or at irregular time intervals.

The Office Action also stated that Walker discloses the term "interval" as a measurement of time. However, regardless of whether Walker discloses "interval" as a measurement of time, Walker does not anticipate or render obvious (1) operating at least one play of at least one game for a period of time, the period of time being divisible into a plurality of time intervals and (2) deducting one of the fees from the value total for each one of the time intervals which passes, the deduction being independent of any game outcome.

For at least these reasons, Applicant submits that amended independent claims 42 and 51 are patentably distinguished over Walker and are in condition for allowance.

Claims 43, 44, 46, 47, 52, 53, 55, and 56 depend directly from amended independent claims 42 and 51 respectively and are also allowable for the reasons given with respect to amended independent claims 42 and 51.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD-ELP

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